

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

U.S. DISTRICT COURT  
ATLANTA, GA.

2022 AUG 15 P 3:16

CLERK M.akis  
S.D. DIST. OF GA.

HARRINGTON CAMPBELL,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 322-042
	)	
U.S. ATTORNEY GENERAL,	)	
	)	
Respondent.	)	

**ORDER**

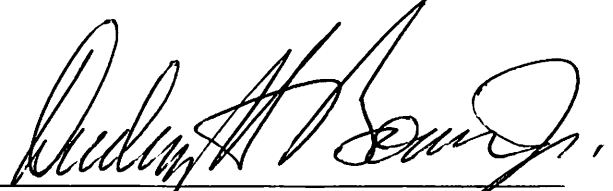
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 28.) The Magistrate Judge recommended granting the motion to dismiss because the Court does not have jurisdiction over Petitioner's claims. Petitioner now claims that rather than challenging a removal order, he seeks a hearing to "validate his current documentation to visa, adjustment of status, and current legal resident status." (Doc. no. 28, p. 2.) However, the case upon which he relies is inapposite.

In Madu v. U.S. Attorney General, the Eleventh Circuit ruled the district court had jurisdiction to consider a petition filed pursuant to 28 U.S.C. § 2241 where the question was "whether there is a removal order at all, which . . . is a different question than whether an extant removal order is lawful." 470 F.3d 1362, 1367 (11th Cir. 2006). Here, there is no question a removal order exists. Petitioner, by whatever label applied, seeks to challenge his

pending removal under an existing removal order. Indeed, in a motion filed after entry of the Report and Recommendation, Petitioner acknowledges he has filed a motion to reopen his immigration case with the Board of Immigration Appeals. (Doc. no. 27, p. 3.)

In sum, Petitioner's persistent attempts to change the name of the relief sought does not change the underlying analysis that this Court does not have jurisdiction over his claims. Accordingly, the Court **OVERRULES** the objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **GRANTS** the motion to dismiss, (doc. no. 17), **DISMISSES** the petition filed pursuant to 28 U.S.C. § 2241 for lack of jurisdiction, and **TERMINATES** all pending motions, including those filed after entry of the Report and Recommendation. The Court further **CLOSES** this civil action, and **DIRECTS** the **CLERK** to enter an appropriate judgment of dismissal.

SO ORDERED this 15<sup>th</sup> day of August, 2022, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE